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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,761	07/08/2003	Marc Alan Sherman	AAMTC.0104	8006

7590 07/25/2006

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EXAMINER

ADE, OGER GARCIA

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 07/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/614,761	Applicant(s) SHERMAN ET AL.	
	Examiner Garcia Ade	Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 February 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited.

2. The abstract of the disclosure is objected to because it exceeds the legal limit of 150 words. Correction is required. See MPEP § 608.01(b).

Claim Objections

3. Claims 6 – 8 are objected to because of the following informalities: Claims 6 – 8 seem to be directed to claim 5. Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 – 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. [US 5,712,989], and further in view of Pape et al. [US 6,505,094].

As per claims 1, 5, and 9, Johnson discloses a method for fulfilling orders, comprising the steps of: receiving a product order [see abstract], wherein the order specifies product type and quantity [see column 2, lines 22 – 26 (e.g. optimum **quantity of the item**)], and see flowchart of figure 3 (e.g. **block 213**)]; printing a document [see flowchart of figure 1, via **printer 43**]that lists the content of the order and includes an order identification code [see flowchart of figure 3 (e.g. **block 201, stock number**)]; receiving an input of the order identification code [see flowchart of figure 3 (e.g. **block 202**)], receiving an input of a product identification code taken from a physical product [see table 3, columns 24 and 25 (e.g. **physical inventory** adjustment)]; comparing the product identification code with the product order [via host computer 10, column 14, lines 29 – 47, and see flowchart of figure 4B (e.g. block 254)]; if the product corresponding to the product identification code is part of the order, confirming acquisition of the product and entering it toward completion of the order [see flowchart of figure 5B (e.g. block 372), and column 28, lines 10 – 23]; if the product corresponding to the product identification code is not part the order, returning an error signal [see flowchart of figure 6A (e.g. **block 388**)]; repeating steps (d) through (g) until the specified quantity of each product type in the order is entered, and returning an error signal if more than the specified quantity of any product in the order is input [see

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flowchart of figure 6A (e.g. **block 392**), and see flowchart of figure 6B (blocks 400-410)].

Johnson does not explicitly disclose: completing the order and printing a shipping label for the order only after all products contained in the order have been acquired and entered in the specified quantity.

However, Pape discloses: completing the order and printing a shipping label for the order only after all products contained in the order have been acquired and entered in the specified quantity [see flowchart of figure 5A (e.g. **block 615**), via control system 400].

Therefore, it would have been obvious to one of ordinary art at the time of the invention was made to modify Johnson's invention to include Pape's shipping printing method. The motivation to combine will provide build-to-order products and direct shipment of products to customers [see summary of the invention].

As per claims 2, 6, and 10, Johnson discloses all elements per claimed invention as explained above. Johnson does not explicitly disclose: the document includes a label containing a mobile identification number than can be peeled off and placed on the outside of a box containing the ordered items.

However, Pape discloses: the document includes a label containing a mobile identification number than can be peeled off and placed on the outside of a box containing the ordered items [see column 4, lines 36 – 49 (e.g. a tracking label with unique identifying information for each product), and see column 9, lines 1 – 14 (e.g. when a shipping label is printed, an operator takes the printer label, **applies it to the article**)].

Therefore, it would have been obvious to one of ordinary art at the time of the invention was made to modify Johnson's invention to include Pape's mobile identification number. The motivation to combine is the same as claims 1, 5, and 9 above.

As per claims 3, 7, and 11, Johnson discloses the document includes a shipping address [see table XIII, column 40, **customer account maintenance**] for the order and serves as a packing list [via local computer 40, column 36, lines 26 – 37 (e.g. **packing lists** and shipping papers)].

As per claims 4, 8, and 12, Johnson discloses the identification codes are barcodes that are entered by scanning [column 36, lines 26 – 37 (e.g. using the **bar code scanner** to input the Requisition Number)].

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Garcia Ade whose telephone number is 571.272.5586. The examiner can normally be reached on M-F 8:30AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571.272.6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

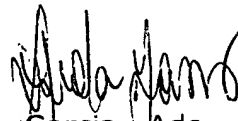
7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR

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only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Garcia Ade
Examiner
Art Unit 3627
7/24/06

ga